IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

FRIDAY, THE SIXTH DAY OF AUGUST
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE SRI JUSTICE V.ESWARAIAH

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W.P.Nos. 3048, 3416, 3517 of 2004 &

6862 of 2003

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W.P.No. 3048 of 2004

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Between:

K. Ganya, S/o. Lal Singh, Occ: Ex-Driver, No. 675343,
R/o. 4-22, Ankola Thanda, Post: Ankola, Via : Mirjapoor,

Mandal: Biknoor, District: Nizamabad.

.... PETITIONER

AND

1 The Divisional Manager, APSRTC, Nizamabad, Nizamabad District.
2 The Depot Manager, APSRTC, Bus Depot, Kamareddy, Nizamabad

District.

....RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue an appropriate writ or direction particularly one in the nature of Writ of Certiorari, and quash the impugned Proceeding No. P4/2(12)/2003 - KMR, dated

20.09.03 as confirmed in Proceeding No. Steno/19(167)/2003-DVM-NZB dt. 21.01.2004 as arbitrary, unjust and in violation of Art. 14, 16 & 21 of the Constitution of India and consequently direct the respondents to reinstate the petitioner into service with all consequential benefits.

Counsel for the Petitioner : Mr. V.NARASIMHA GOUD

Counsel for the Respondents : MR.K.HARINATH, SC FOR APSRTC

W.P.No. 3416 of 2004

Between:

D.Hussain, S/o Babulal,
R/o 7-149/12/A/1, Ibrahimpatnam, Ranga Reddy District.

.... PETITIONER

AND

1. The APSRTC, rep. by its Managing Director, Musheerabad, Hyderabad.
2. The Divisional Manager, APSRTC, R.R.Division, M.G.B.S. Gowliguda,

Hyderabad.
3. The Depot Manager, APSRTC, Hyderabad - II Depot, Dilsukhnagar,
   Hyderabad.

....RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue an appropriate Writ or direction particularly one in the nature of Writ of Certiorari, quash the impugned Proc.No.01/2(2)/03-
HYD-2 dated 17-4-2003 as confirmed by the 2nd respondent vide Proc.No.ST/19 (42)/03-R.R.Dated 09-12-2003 as arbitrary, unjust and in violation of Art.14,16 & 21 of the Constitution of India and consequently direct the respondents to reinstate the petitioners into service with all consequential benefits.

Counsel for the Petitioner : Mr. V.NARASIMHA GOUD

Counsel for the Respondents: Mr.K.HARINATH, SC for APSRTC

W.P.No. 3517 of 2004

Between:

M. Leela Rao, S/o M. Subba Rao ... PETITIONER

AND

1 The APSRTC, rep. by its Vice Chairman and Managing Director, Musheerabad, Hyderabad.
2 The Regional Manager, APSRTC, Hyderabad City Region,

Secunderabad.
3 The Divisional Manager, APSRTC, Secunderabad Division, RBS, Picket, Secunderabad.
4 The Depot Manager, APSRTC, Ranigunj-I Depot, Ranigunj, Secunderabad.

.....RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue an order or direction more particularly one in the nature of writ of mandamus calling for the records relating to the Proc.No.02/62(4)/2002-RNJ-I, dated 14-2-2002 and confirmed by the 2nd and 3rd respondents vide Proceedings No.PA/19(17)/2002-DVM (SD), dt.8-5-2002 and Proc.No.PA/20(151)/2002-SCR dt.13-3-2003 and declare the same as illegal, arbitrary and contrary to the rules and further direct the respondents to treat the entire period from 14-1-2002 till the date of re-instatement as continuity of service with full back wages and further direct the respondents to treat the initial appointment on 9-11-2001 as regular service.

Counsel for the Petitioner : Mr.P.RAGHAVENDER REDDY

Counsel for the Respondents: Mr.K.HARINATH, SC for APSRTC

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W.P.No. 6862 of 2003

Between:

M.Vishweshwar, S/o Sattaiah, Conductor, E.No.321136,

R/o H.No.5-4-41, Sudhanagar, Hanamkonda,

Warangal District. ..... PETITIONER

AND

1. A.P. State Road Transport Corporation, rep.by its Managing Director, Musheerabad, Hyderabad-20.
2. The Regional Manager, A.P.S.R.T.C., Karimnagar Region, Karimnagar.
3. The Divisional Manager, A.P.S.R.T.C., Karimnagar.
4. The Depot Manager, A.P.S.R.T.C., Godavarikhani, Karimnagar District.

....RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to call for the records from the respondents and issue an appropriate Writ, Order or direction, particularly one in the nature of Writ of Mandamus, declaring that the order passed by the 4th respondent in proceedings No.E1/1/(67)/02-GDK, dated 28.06.2002, deleting name of the petitioner from the select list, confirmed by the 3rd respondent in proceedings No.PA/19(131)/2002-DV.M:KR, dated 19.10.2002 and further confirmed by the 2nd respondent in proceedings No.PA/19(17)/2002. RM:KRMR, dated 03.01.2003 illegal, unjust, contrary to law, arbitrary, in violation of principles of natural justice, amounts to unfair labour practice, without jurisdiction and violative of Articles 14, 16 and 21 of the Constitution of India, and grant all consequential benefits.

Counsel for the Petitioner : Mr.A.K.JAYAPRAKASH RAO

Counsel for the Respondents : SMT.G.JYOTHI KIRAN, SC FOR APSRTC

The Court made the following :

COMMON ORDER:

As the question involved in all these writ petitions is common, they are disposed of by this common order.

Heard the learned counsel appearing for the petitioners and the learned standing counsel appearing for the respondent-Corporation.

The petitioners in Writ Petition Nos.3048 of 2004 and 3416 of 2004 are the casual drivers and the petitioners in Writ Petition Nos.3517 of 2004 and 6862 of 2003 are the casual conductors. It is stated that their names have been removed from the approved list/select list of the drivers and conductors vide impugned proceedings mentioned in the writ petitions on the ground that there is a rash and negligent driving on the part of Drivers and cash and ticket irregularities on the part of Conductors, and issued show-cause notices to the petitioners calling upon to submit their explanations, and after submitting their explanations, without conducting any enquiry their names have been deleted from the approved list/select list of the drivers and conductors respectively.

Learned counsel for petitioners submits that the issue raised in these writ petitions is squarely covered by the judgment of this Court dated 22.06.2000 passed in Writ Petition No.401 of 2000. In the said case also, the name of one such conductor who was engaged on casual basis, was removed from the approved list on certain allegations causing a stigma.

In the above judgment, this Court observed that the services of the petitioners can be terminated without causing any stigma. Whenever charges have been leveled against such persons and pursuant to the show-cause notices, if the explanations are filed denying the charges, it was imperative on the part of the respondents to conduct enquiry.

A similar argument was also advanced stating that relevant regulations and rules of the Corporation do not contemplate an enquiry in respect of daily wageworkers. The said argument cannot be accepted, since enquiry has not been conducted and an order has been passed which creates a stigma, therefore the order cannot be sustained, which is in violation of principles of natural justice.

Therefore, following the said judgment in Writ Petition No.401 of 2000, dated 22.06.2000, all the four writ petitions are allowed and the impugned orders are quashed. However, the respondents shall be at liberty to proceed with the matter in accordance with law, if they so desire. No order as to costs.

That Rule Nisi have been made absolute as above.

Witness the Hon'ble Sri Devinder Gupta, the Chief Justice on Friday, the sixth day of August, Two thousand and four.

DA/NSR

To

1. The Vice Chairman and Managing Director, A.P. State Road Transport Corporation, Musheerabad, Hyderabad-20.
2. The Regional Manager, A.P.S.R.T.C., Karimnagar Region, Karimnagar.
3. The Divisional Manager, A.P.S.R.T.C., Karimnagar.
4. The Depot Manager, A.P.S.R.T.C., Godavarikhani, Karimnagar District.
5. The Regional Manager, APSRTC, Hyderabad City Region, Secunderabad.
6. The Divisional Manager, APSRTC, Secunderabad Division, RBS, Picket, Secunderabad.
7. The Depot Manager, APSRTC, Ranigunj-I Depot, Ranigunj, Secunderabad.
8. The Divisional Manager, APSRTC, R.R.Division, M.G.B.S. Gowliguda, Hyderabad.
9. The Depot Manager, APSRTC, Hyderabad - II Depot, Dilsukhnagar, Hyderabad.
10. The Divisional Manager, APSRTC, Nizamabad, Nizamabad District.
11. The Depot Manager, APSRTC, Bus Depot, Kamareddy, Nizamabad

District.

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